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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)

: Torsten Vilkner

TITLE

: POWDER INJECTION SYSTEM
AND METHOD

APPLICATION NO.

: 10/561,573

FILED

: May 15, 2006

CONFIRMATION NO.

: 7822

EXAMINER

: J.A. Dillon, Jr.

ART UNIT

: 3651

LAST OFFICE ACTION

: June 29, 2007

ATTORNEY DOCKET NO.

: KSTR 2 00005
Cleveland, OH 44114
September 28, 2007

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action dated June 29, 2007, a restriction was required between the invention of Group I, claims 1, 2, 5-8 and 14, drawn to an open loop conveyor and the invention of Group II, claims 3, 4, 10-12 and 15-18, drawn to a conveyor and controller. Applicants were advised to elect a single invention to be examined and identify the claims encompassing the elected invention.

In reply, applicants provisionally elect the invention of Group I, claims 1, 2, 5-8 and 14, for examination herein.

However, applicants traverse the restriction requirement for the following reasons. The claims of Group I cover a powder injection microchip. The claims of

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Group II relate to how that powder injection microchip is being used. The structural features within, for example, independent claim 10 (which is identified as belonging to the invention of Group II) define the microchip to which the method is to be applied using almost identical wording to that used in claim 1 (which is identified as belonging to the invention of Group I).

The patentable subject matter common to claims 1 and 10 is therefore the same. That patentable subject matter comprises a) a gas supply inlet for supplying gas, b) an outlet, c) a channel in fluid connection with the gas supply inlet and the outlet, d) a powder reservoir, and e) a powder inlet in fluid communication with the channel for receiving an open first end of the powder reservoir, the powder reservoir having an opening at or near to a second end thereof to allow egress of gas from the powder reservoir at a point distal to the open first end of the powder reservoir. Therefore, it is respectfully submitted that the restriction requirement should be withdrawn.

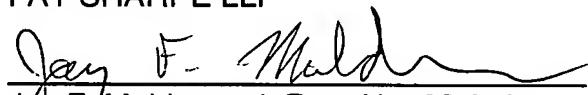
Applicant looks forward to a further consideration of the pending claims of this application.

Respectfully submitted,

FAY SHARPE LLP

September 28, 2007

Date



Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
216-861-5582

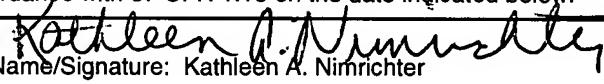
CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify this correspondence (and any item referred to herein as attached or enclosed) is (are) being

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transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.

Date: September 28, 2007


Name/Signature: Kathleen A. Nimrichter